

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-11730 NG

GEORTO, INC.,

Plaintiff

v.

WILLIAM GATEMAN, INDIVIDUALLY
AND AS TRUSTEE OF 200 UNION
STREET REALTY TRUST,

Defendant,

Third Party Plaintiff, and

Third Party Defendant-in-Counterclaim

v.

ROBERTS CORPORATION,

Third Party Defendant, and

Third Party Plaintiff-in-Counterclaim

ANSWER TO COUNTERCLAIM AGAINST THIRD PARTY PLAINTIFF
AND JURY DEMAND

FIRST DEFENSE

The Counterclaim fails to state a claim upon which relief may be granted.

SECOND DEFENSE

The third party defendant-in-counterclaim answers the Counterclaim paragraph by
paragraph, as follows:

Facts Common To All Claims

1. The third party defendant-in-counterclaim admits that certain services were provided under the March 12, 2002 contract but denies that such services were provided in a proper manner and denies that he owes any amount for such services.
2. Denied.
3. Denied.

Count I
Breach of Contract

4. Denied

Count II
Accounts Annexed

5. Denied

Count III
Quantum Meruit

6. Denied. And further answering, the third party defendant-in-counterclaim avers that such services were provided in an improper manner and in violation of the terms of his contract with the third party plaintiff-in-counterclaim.

THIRD DEFENSE

The third party plaintiff-in-counterclaim cannot recover in this action because of the failure of consideration.

FOURTH DEFENSE

The third party plaintiff-in-counterclaim cannot recover in this action because the services

performed by it were in violation of law.

WHEREFORE, DEFENDANT, THIRTY PARTY PLAINTIFF AND THIRD PARTY
DEFENDANT-IN-COUNTERCLAIM REQUESTS A TRIAL BY JURY ON ALL ISSUES SO
TRIABLE.

DEFENDANT, THIRD PARTY PLAINTIFF and
THIRD PARTY DEFENDANT-IN-COUNTERCLAIM
WILLIAM GATEMAN, INDIVIDUALLY AND
AS TRUSTEE OF 200 UNION STREET REALTY
TRUST

By his Attorney,



Alan G. Miller, BBO #346240
6 Beacon Street, Suite 1100
Boston, MA 02108
(617) 227-4044

Dated: January 11, 2005

CERTIFICATE OF SERVICE

I, Alan G. Miller, hereby certify that on this 11th day of January, 2005, I caused to be
served the foregoing document by mailing first-class, postage prepaid, to:

J. Mark Dickison, Esq.
Lawson & Weitzen, LLP
88 Black Falcon Avenue, Suite 345
Boston, MA 02110

Dale C. Kerester, Esq.
Lynch, Brewer, Hoffman & Fink, LLP
101 Federal Street, 22nd Floor
Boston, MA 02110


Alan G. Miller